

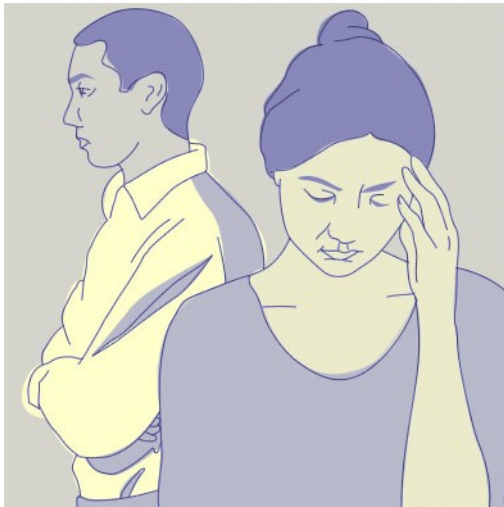
## **Family Advocacy Program Commander's Guide**

# **Module 3:**

## **Stopping Violence in Families and Couples**

## Introduction:

# Objectives



The goal of this module is to familiarize commanders with family violence and to introduce tools and resources for addressing abusive behavior within military families. This module will:

- ▶ Provide an overview of the Family Advocacy Program (FAP);
- ▶ Define types of family violence;
- ▶ Describe the dynamics of domestic abuse;
- ▶ Dispel misconceptions about family violence in the military;
- ▶ Emphasize that the military will not tolerate family violence;

Introduction:

## **Objectives** (cont'd)

This module will (cont'd):

- ▶ Provide information useful in responding to domestic abuse incidents; and
- ▶ Describe appropriate responses to a family violence incident;
- ▶ Describe a coordinated community response to family violence; and
- ▶ Describe tools and resources for commanders in determining the most appropriate response to a family violence incident.

This module will take you approximately 25 minutes to complete.

## Background:

## Basic Introduction to FAP



The Family Advocacy Program (FAP) is a command support program with responsibility for addressing family violence in military families, through prevention efforts, early identification and intervention, support for victims, and treatment for abusers.

**Identification** – DoD policy requires everyone to report all suspected cases of child abuse and domestic abuse to FAP. Through public education materials and trainings, FAP teaches the military community how to recognize domestic abuse and child abuse and where to report suspected cases.

Background:

## Basic Introduction to FAP (cont'd)

**Assessment** – When FAP receives a report of suspected child or domestic abuse, FAP arranges to meet with the active duty member and the victim(s) separately to conduct thorough clinical assessments. FAP also ensures that the appropriate law enforcement agency (and/or child protective services agency) is notified of abuse reports. Multidisciplinary teams (usually known as the Case Review Committee (CRC)) come together to review the facts of every case to determine whether abuse has occurred and to develop treatment recommendations for command.

Background:

## Basic Introduction to FAP (cont'd)

**Support for victims** – FAP supportive services for victims focus first on establishing safety for the victim and then helping the victim to recover. Depending on what is available at an installation, services may include crisis intervention, referrals to shelters, temporary foster care for abused children, victim advocacy counseling, and support groups.

**Treatment for abusers** – The primary goal of FAP treatment with abusers to help them recognize that their behavior is unacceptable and to stop it. Treatment for domestic violence focuses on stopping abusers from attempting to use power and violence toward their victims. Treatment for child abuse focuses on teaching alternate ways to discipline and care for the abusers' children.

## Background:

## Basic Introduction to FAP (cont'd)

Commanders are crucial to the success of any FAP intervention with a military family.

- ▶ Commanders can help ensure the safety of victims by having memoranda of understanding or agreement (MOUs) with local civilian shelters and law enforcement agencies. MOUs will be addressed in greater detail later in this Module.
- ▶ In all instances of alleged or confirmed abuse, commanding officers must issue Military Protection Orders (MPOs) when necessary to safeguard victims, quell disturbances, allow victims time to pursue protection orders through the civilian courts, or support existing civil orders of protection.

Background:

## **Basic Introduction to FAP** (cont'd)

Commanders are crucial to the success of any FAP intervention with a military family (cont'd).

- ▶ Commanders should be aware of the status of every active FAP case and should ensure that active duty abusers follow through with any recommended treatment prior to case closure.
- ▶ Commanders are responsible for taking appropriate administrative/disciplinary action to hold active duty abusers accountable.



## Background: Definitions



**Child abuse/neglect** – Includes physical injury, sexual maltreatment, emotional maltreatment, deprivation of necessities, or combinations for a child by an individual responsible for the child's welfare under circumstances indicating that the child's welfare is harmed or threatened. The term encompasses both acts and omissions on the part of a responsible person. A "child" is a person under 18 years of age for whom a parent, guardian, foster parent, caretaker, employee of a residential facility, or any staff person providing out-of-home care is legally responsible. The term "child" means a natural child, adopted child, stepchild, foster child, or ward. The term also includes an individual of any age who is incapable for self-support because of a mental or physical incapacity and for whom treatment in a medical treatment facility is authorized.

Background:

## Definitions (cont'd)

**Domestic abuse** is (1) domestic violence or (2) a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person of the opposite sex who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

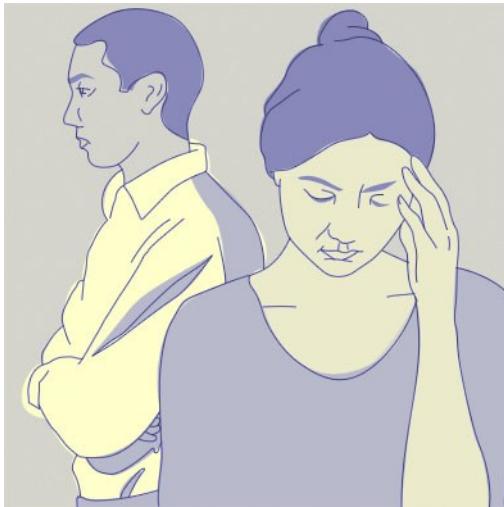
Background:

## Definitions (cont'd)

**Domestic violence** is an offense under the United States Code or the Uniform Code of Military Justice that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or a violation of a lawful order issued for the protection of a person of the opposite sex, who is (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

## Background:

### Dynamics of Domestic Abuse



Domestic abuse can range from emotional abuse, to a slap, to a threat to use a weapon, to a lethal assault.

Domestic abuse cases frequently follow a predictable pattern with the level of abuse escalating over time; often victims can anticipate when an abusive incident is about to occur.

## Background:

### **Dynamics of Domestic Abuse** (cont'd)

The first reported incident may not be the first incident to have occurred. Domestic abuse incidents range in frequency from a single occurrence to intermittently throughout a long relationship to weekly. The victim may not have reported previous abuse out of belief that the abuser would change and stop his abuse, or out of fear of financial loss if the service member's career is harmed, or out of fear of being killed if the abuse is reported.

**Every** domestic abuse incident should be treated as a serious issue. Commanding officers must ensure that incidents are fully investigated by law enforcement and that victims have support services and victim advocacy.

## Background:

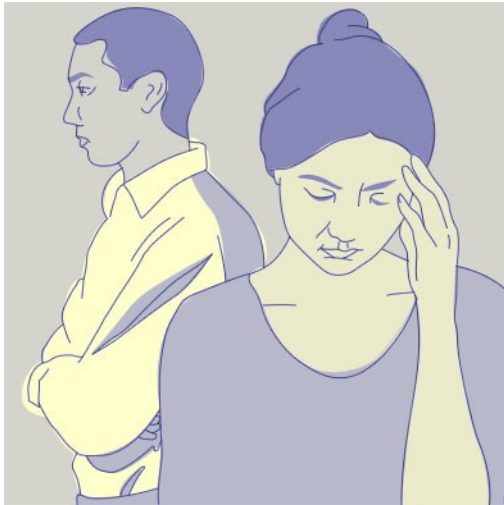
## Dynamics of Domestic Abuse (cont'd)

**Tactics of chronic abusers:** The most common motivation of chronic abusers is to maintain physical and emotional control over the victim, typically through physical assault or the threat of physical assault. Other tactics besides physical assault may include:

- ▶ Isolating the victim from family and friends; monitoring the victim's activities; or using the victim's child(ren) to monitor the victim's activities;
- ▶ Blaming the victim for the abuse or threatening suicide if the victim leaves;
- ▶ Exploiting the victim's concern for her child(ren) by threatening to harm or hide the child(ren), initiating false reports of child abuse or initiating legal proceedings to remove the child(ren) from the victim's custody;
- ▶ Controlling all financial resources of the couple, limiting the victim's access to money, and hiding funds from the victim.

## Background:

# Misconceptions Regarding Family Violence in the Military



*Misconception:* Service members who perform well on the job are unlikely to engage in family violence.

*Fact:* Violent behavior is not restricted to poor performers.

*Misconception:* Men are unlikely victims of violence.

*Fact:* Abusive acts are not exclusively attributable to men. In approximately 30% of the domestic abuse incidents reported to FAP, women are the alleged abuser.

Background:

## Misconceptions Regarding Family Violence in the Military (cont'd)

*Misconception:* Abusive parents hate their children.

*Fact:* Abusive parents do not necessarily “hate” their children, but they may use violence inappropriately or use excessive force when disciplining their children.

*Misconception:* Family violence incidents are rare occurrences.

*Fact:* Army and Air Force surveys found that between 10% and 30% of active duty personnel (depending on sex) self-reported that they had used moderate violence towards their spouse, and between 2 and 9% self-reported that they used severe violence.



Background:

## Misconceptions Regarding Family Violence in the Military (cont'd)

*Misconception:* Most acts of child maltreatment are brutal.

*Fact:* FAP data shows that only a small proportion of substantiated child abuse is rated as severe.

*Misconception:* Family violence is a personal matter of concern only to the family.

*Fact:* Family violence is an issue for the entire military community and requires command involvement.

Background:

## Misconceptions Regarding Family Violence in the Military (cont'd)

*Misconception:* Anger causes incidents of domestic abuse.

*Fact:* Most people become angry at some point in their relationships. However, an abuser chooses to use violence against the victim. Violence is a choice, not a by-product of anger.

*Misconception:* Stress causes incidents of domestic abuse.

*Fact:* Stress does not cause domestic violence. Abusers almost certainly feel stress at work yet rarely assault their peers or supervisor. The use of violence is a decision made by the individual.

Background:

## Misconceptions Regarding Family Violence in the Military (cont'd)

*Misconception:* Alcohol and/or drug causes domestic abuse.

*Fact:* These substances may reduce the abusers' inhibitions against using violence. Abusers may blame the use of substances to alleviate taking responsibility for violent behavior, but alcohol or substance abuse does not cause perpetrators of domestic abuse to abuse their partners.

*Misconception:* Deploying or return from deployment causes domestic violence.

*Fact:* Deployment and return can increase stress levels in both parties in a relationship. However, an abuser chooses to use violence. The vast majority of personnel who return from deployment do not use violence in their relationships.

## Background:

# Misconceptions Regarding Family Violence in the Military (cont'd)

*Misconception:* Females in the military are as violent as males in relationships.

*Fact:* Females in the military also commit domestic abuse, but do not have the same rate of domestic abuse nor do they cause serious injuries at the same rate as male abusers.

*Misconception:* Military rates of domestic violence are higher than civilian rates.

*Fact:* Comparisons between military and civilian rates of abuse are difficult due to many differences between these groups. The military is primarily composed of young adult males, a high-risk group for domestic abuse. When civilian studies are based on ages, gender, educational levels and income levels comparable to those in the military, the rates of domestic abuse are almost equal.

## Background:

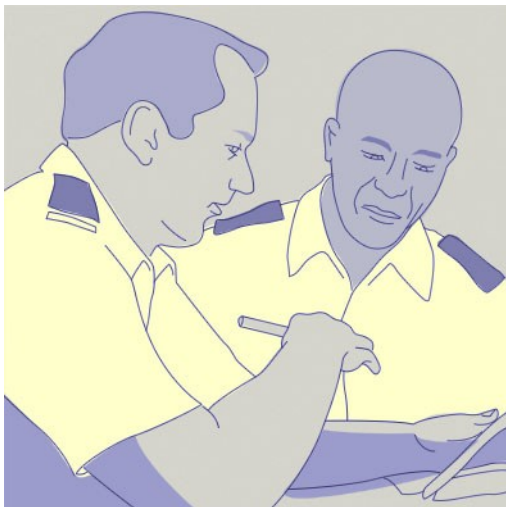
### **Culture Issues**



Domestic abuse is found across all socioeconomic, age, gender, ethnic, racial and cultural categories. However, social conditioning, cultural values and cultural beliefs strongly influence whether victims will seek help and how they respond to assistance. These factors also influence the reasons abusers use to justify their behavior and how they respond to intervention and treatment.

## Roles and Responsibilities:

### DoD and Service Policy



DoD is committed to stopping violence in military families, and is creating and updating policies to improve services for victims and accountability and treatment for offenders. These are based in part on recommendations from the **Department of Defense Task Force on Domestic Violence**. (See <http://www.dtic.mil/domesticviolence/>)

Roles and Responsibilities:

## **DoD and Service Policy** (cont'd)

To emphasize that domestic abuse is incompatible with the institutional values of the military, the Office of the Secretary of Defense and the four Services have issued memoranda indicating that the military will not tolerate domestic abuse. You can download these documents from the Family Advocacy Program Commander's Guide as well as a sample command policy memorandum that commanders can download, adapt to local conditions, and disseminate to military community, reinforcing the importance of victim safety and the DoD stance towards domestic abuse.

## Reporting Suspected Abuse:

### Overview



The information provided in the following pages will provide information that will help commanders make critical decisions when responding to domestic abuse incidents. Generally, this section of the Module will address the following issues:

- ▶ General reporting requirements
- ▶ The role of the victim advocate
- ▶ Safety planning and shelter for victims
- ▶ Coordinating with the installation legal office to ensure victim safety



## Reporting Suspected Abuse:

# General Reporting Requirements



All members of the military community are required to report suspected incidents of child abuse, child neglect, child sexual abuse in DoD sponsored out of home care, and domestic abuse. All child sexual abuse cases in out-of-home care must be reported to Service FAP headquarters within 24 hours after the incident is first reported to the installation FAP. The OSD Family Advocacy Program in turn must be notified within 72 hours. (Refer to the ***“Responding to Sexual Abuse in Child/Youth Programs”*** Module of this Website.)

## Reporting Suspected Abuse:

### **Role of the Victim Advocate**



DoD is expanding the availability of victim advocates specifically for victims of domestic abuse either on or off the installation through both contract and volunteer positions. Future budget allocations will allow the Services to hire even more advocates to make them more available to victims in need of services.

Commanding officers should ensure that information on how to contact victim advocates is widely disseminated, and that they authorize victim advocates to contact them directly in individual cases to ensure that safety planning will be carried out. Victim advocates will discuss systemic issues regarding their duties and victims' needs through the installation Family Advocacy Committee.

## Reporting Suspected Abuse:

### **Role of the Victim Advocate** (cont'd)

Victim advocates provide the following services to assist eligible victims:

- ▶ Assessment of their safety, their child(ren)'s safety, and risk of future domestic abuse;
- ▶ Information about the installation's response to a report of domestic abuse, including information about supportive services available through the installation, what commanders can do to protect and assist them under the military disciplinary system, shipment of household goods, and transitional compensation;
- ▶ Information about the local civilian community's response to a report of domestic abuse, including information about available supportive services, and what the civilian law enforcement and justice system can do to protect and assist them;

## Reporting Suspected Abuse:

## **Role of the Victim Advocate** (cont'd)

Victim advocates provide (cont'd):

- ▶ Information about how to obtain civilian and military protective orders and how they will be enforced;
- ▶ Safety planning to minimize harm from future abuse;
- ▶ Referral to supportive services requested by the victim;
- ▶ Assistance in making a report to the appropriate law enforcement agency, the FAP, and the commander; and
- ▶ With the victim's consent, assistance in seeking a protective order.

DoD victim advocates will provide both immediate and ongoing support to domestic abuse victims who are eligible to receive military medical treatment, and will refer all other victims to civilian support services.

## Reporting Suspected Abuse:

### **Role of the Victim Advocate** (cont'd)

The mandatory reporting of domestic abuse has unfortunately deterred victims from seeking information and help, leaving them to remain in abusive situations. DoD is developing a policy for confidentiality of communications between domestic abuse victims and victim advocates.

The policy should encourage domestic abuse victims to come forward and seek information and assistance from confidential victim advocates, promote victim safety through safety planning and assessment, and encourage voluntary reporting of domestic abuse incidents that would otherwise go unreported, resulting in earlier intervention.

## Reporting Suspected Abuse:

# Safety Planning and Shelter for Victims



Victim safety is the first and most critical issue in commanders' response to domestic abuse incidents. Victim advocates and law enforcement personnel use a safety planning checklist to assist victims in reducing the risk of future abuse. Safety plans help victims think through their situation in terms of physical and emotional safety, and provide information on how to obtain emergency assistance, shelter, financial assistance, childcare, a checklist of items to take upon leaving, etc. Below is a sample safety plan that can be crafted to meet the needs of individual victims.

Please see the Tools section of the Family Advocacy Program Commander's Guide website for a sample safety plan.

Reporting Suspected Abuse:

## **Safety Planning and Shelter for Victims**

(cont'd)

Victims of domestic abuse are in the best position to make decisions regarding their situation, including the decision to stay or leave the relationship. Commanders should ensure that victims can easily contact installation or local civilian victim advocates for safety planning and shelter. Installations may have formal MOUs with local community agencies for domestic abuse shelter services.

## Reporting Suspected Abuse:

# Coordinating with the Installation Legal Office to Ensure Victim Safety



The installation legal office can also play a vital role in helping commanders to protect victims of domestic abuse and their children. Legal staff can provide commanders with critical information regarding both military and civilian protection orders; the scope and applicability of the Armed Forces Domestic Security Act; a basic description of the immigration provisions of the Violence Against Women Act; and the scope and applicability of the Lautenberg Amendment to the Gun Control Act, as discussed in the following pages.



Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

### **Civilian Protection Order (CPO)**

A CPO is a civil judicial order issued after a hearing by a judge or magistrate at a domestic abuse victim's request to protect the victim from further abuse by the alleged abuser. For immediate protection, the judge may issue an emergency order of limited duration without a full hearing. CPOs commonly order the abuser to stop physically harming the victim, stop contacting the victim (by phone, mail, e-mail, etc.), and to remain outside a certain geographic proximity of the victim (and possibly the couple's child(ren)). Judges may add provisions to a CPO to meet the needs of a specific victim.

Reporting Suspected Abuse:

## Coordinating with the Installation Legal Office to Ensure Victim Safety (cont'd)

Violation of a CPO may result in fines, court-ordered treatment, or incarceration. CPOs issued for domestic abuse are available and enforceable in all fifty states, U.S. territories and on tribal lands<sup>1</sup>.

**Courts can also enforce CPOs when the subject is on a military installation.**<sup>2</sup> Through MOUs with civilian law enforcement and prosecutors, installation law enforcement agencies should be able to receive copies of CPOs issued against service members.<sup>3</sup>

<sup>1</sup> As provided by the Full Faith and Credit provisions of the Violence Against Women Act, 18 USC Section 2265 (1999).

<sup>2</sup> See later section on the "Armed Forces Domestic Security Act."

<sup>3</sup> Sample MOUs are provided in the "Coordinated Community Response" section of this module.

Reporting Suspected Abuse:

## Coordinating with the Installation Legal Office to Ensure Victim Safety

(cont'd)

### **Military Protection Orders (MPO)**

An MPO is an order, similar to a CPO but issued by a commander to an active duty service member to both protect a victim of domestic abuse or child abuse and to regulate the behavior of the allegedly abusive service member. A victim advocate, installation law enforcement agency, or FAP clinician may request a commander to issue an MPO.

A commander may tailor an MPO to meet the specific needs of a victim. A commander should issue an MPO regardless of whether a CPO is already in place. If a CPO has already been issued by a civilian judge or magistrate, the MPO should, to the extent practicable, have identical or similar provisions.

For a sample Military Protective Order, please visit the Tools section of the Family Advocacy Program Commander's Guide website.

Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

Among other things, an MPO may order the service member to surrender his/her government weapons custody card at the time of issuance of the order. The commander should ensure that the MPO is issued in writing and copies are provided to the victim, the service member, FAP, the Provost Marshall/Security Officer, the SJA, and the installation medical treatment facility.

An MPO is only enforceable while the service member is attached to the command that issued the order. When the service member is transferred to a new command, the order will no longer be valid. If circumstances warrant the continuation of the MPO, the commander who issued the MPO should contact the new commander to advise him or her of the MPO.

Reporting Suspected Abuse:

## Coordinating with the Installation Legal Office to Ensure Victim Safety (cont'd)

A violation of an MPO constitutes a UCMJ violation under Article 90, **Assaulting or Willfully Disobeying Superior Commissioned Officer** (see [http://www.military-network.com/main\\_ucmj/890.90](http://www.military-network.com/main_ucmj/890.90)) or **Article 92, Failure to Obey Order or Regulation** (see [http://www.military-network.com/main\\_ucmj/892.92](http://www.military-network.com/main_ucmj/892.92)). Depending on a number of factors, a violation of an MPO may result in non-judicial punishment, court-martial proceedings or other disciplinary measures.<sup>4</sup>

<sup>4</sup> See "Range of Potential Responses – Rule 306 of the United States Manual for Courts-Martial" in the Taking Action section of this module.

Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

### **The Armed Forces Domestic Security Act**

Although the Full Faith and Credit provisions of the Violence Against Women Act made CPOs enforceable in all U.S. states, territories, and on tribal lands, they did not make them enforceable on military installations. In 2003, the Armed Forces Domestic Security Act took effect to address this issue. Under the Act, CPOs have the same force and effect on military installations as they have in the state, U.S. territory or tribal land that issued them.

Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

As a result of the Act, judges can take action against an individual who violated a CPO on a military installation located in the U.S. DoD is developing regulations to implement the Act that will make a violation of a civilian protective order by a service member punishable under Article 92, UCMJ, without the commander having to issue an MPO. In the meantime, commanders should issue MPOs to members receiving CPOs to ensure that the commander, as well as the judge who issued the CPO, has an enforcement option.

Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

### **Restrictions On Access to Firearms**

An amendment to the Gun Control Act of 1968<sup>5</sup> made it a felony for any person who has been convicted of a misdemeanor crime of domestic violence to receive or possess any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, or to ship or transport in interstate or foreign commerce any firearm or ammunition. It also made it a felony for a person to sell or otherwise dispose of firearm or ammunition to any person whom he or she knows or has a reasonable cause to believe has been convicted of a misdemeanor crime of domestic violence.

<sup>5</sup> 18 U.S.C. 922(g)(9).



Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

### **Restrictions On Access to Firearms (cont'd)**

#### **DoD Implementation**

In November 2002, DoD issued final guidance on implementing this amendment (referred to as the Lautenberg Amendment) by issuing policy memoranda for military personnel and DoD civilian employees. As a matter of DoD policy, DoD policy implementing the amendment extends outside United States territory although the Lautenberg Amendment does not.

Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

### **Restrictions On Access to Firearms (cont'd)**

#### **DoD Implementation (cont'd)**

Each Military Department is required to implement a program to inform its military and civilian personnel of the Amendment, its consequences, and the DoD policy memoranda. Military and civilian personnel have an affirmative, continuing obligation to inform commanders or supervisors if they have, or later obtain, a qualifying conviction.

Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

### **Restrictions On Access to Firearms (cont'd)**

#### **Qualifying Conviction**

Although the Lautenberg Amendment applies only to “misdemeanor crimes of domestic violence”, under DoD policy a “qualifying conviction” includes:

- ▶ a misdemeanor or felony conviction for a crime of domestic violence in a civilian court,
- ▶ a conviction for a crime of domestic violence at a general or special court-martial

The term “crime of domestic violence” is defined in the Lautenberg Amendment.

Reporting Suspected Abuse:

## Coordinating with the Installation Legal Office to Ensure Victim Safety

(cont'd)

### Restrictions On Access to Firearms (cont'd)

### Qualifying Conviction (cont'd)

Summary court-martial convictions, nonjudicial punishment (Article 15, UCMJ), and deferred prosecutions in civilian courts are **not** qualifying convictions. Similarly, substantiated reports by FAP Case Review Committees are **not** qualifying convictions.

Reporting Suspected Abuse:

## Coordinating with the Installation Legal Office to Ensure Victim Safety

(cont'd)

### Restrictions On Access to Firearms (cont'd)

#### Commander's role if a service member or employee has a qualifying conviction

When a commander finds that a service member or a DoD civilian employee has a qualifying conviction or if there is reasonable cause to believe that the member or DoD civilian employee has a qualifying conviction, the commander must:

- ▶ retrieve government issued firearms and ammunition
- ▶ suspend the individual's authority to possess government issued firearms and ammunition

For service members, the commander should also advise them to dispose of their privately owned firearms and ammunition lawfully.

Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

### **Restrictions On Access to Firearms (cont'd)**

#### **Commander's role if a service member or employee has a qualifying conviction (cont'd)**

The DoD policy memoranda implementing the Domestic Violence Misdemeanor Amendment to the Gun Control Act for military personnel and DoD civilian personnel are accessible in the Tools section of the Family Advocacy Program Commander's Guide website.

Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

### **The Immigration Provisions of the Violence Against Women Act (VAWA)<sup>6</sup>**

The immigration status of a non-U.S. citizen spouse and/or child of an active duty service member who is either a U.S. citizen, lawful permanent resident, or has other legal immigration status, generally is a legal status through the service member.

<sup>6</sup> Public Law 103-322, Subtitle G.

Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

Abusers often use their sponsoring immigration status as a way to control and silence their immigrant family members. Immigrant victims of domestic abuse and child abuse face many barriers in seeking assistance, including, but not limited to:

- ▶ cultural and language barriers;
- ▶ economic isolation;
- ▶ threats of deportation or other immigration-related abuse
- ▶ perpetrated by the abuser;
- ▶ threats to harm or take away children at home or abroad, and
- ▶ distrust of justice and social systems.



Reporting Suspected Abuse:

## **Coordinating with the Installation Legal Office to Ensure Victim Safety**

(cont'd)

Abused immigrant spouses and children can qualify for special immigration protections under the VAWA. FAP and legal officers should be aware of the unique issues confronting immigrant victims of domestic abuse and be prepared to offer assistance. More information and technical support is available from:

### **Legal Momentum**

(See <http://www.legalmomentum.org>)

### **The Family Violence Prevention Fund**

(See <http://endabuse.org/programs/immigrant/>)

### **The National Immigration Project of the National Lawyers Guild**

(See <http://www.nationalimmigrationproject.org/>)

## Taking Action:

# Appropriate Responses to a Family Violence Incident



DoD has intensified its focus on prevention and intervention of domestic abuse. Commanders should consult with a domestic violence victim advocate or FAP clinician and with the SJA before taking any action that may inadvertently jeopardize victims' safety while holding offenders accountable.

Commanders must ensure that the military and civilian agencies — not the victims — are responsible for holding abusers accountable. Allegations of misconduct should be addressed in a timely manner at the lowest appropriate level of administrative or punitive action.

Taking Action:

## Appropriate Responses to a Family Violence Incident (cont'd)

### Initial Response: Ensuring Victim Safety

When a commander is informed that an incident of family violence has occurred, he/she should take immediate action:

- ▶ If it is a domestic abuse incident, ascertain if the victim had consulted with a victim advocate, and if so, whether the victim advocate has the victim's permission to disclose information that the commander can use to help protect the victim.
- ▶ Ascertain whether a judge or magistrate has already issued a CPO. If so, the commander should attempt to obtain a copy to study its provisions.
- ▶ Consult with the law enforcement agency to ascertain the release status of the alleged abuser.

Taking Action:

## Appropriate Responses to a Family Violence Incident (cont'd)

### Initial Response: Ensuring Victim Safety (cont'd)

- ▶ If the incident concerns child abuse, consult with the FAP and/or the local child protective services agency.
- ▶ Consult with SJA regarding:
  - what steps need to be taken to protect the victim from the alleged abuser if the latter is an active duty service member (e.g., issuing an MPO, whether to order the service member — if the victim requests it — out of the home and into government bachelor quarters, suspend the service member's access to firearms and ammunition, etc.);
  - what steps need to be taken to protect the victim from the alleged abuser if the latter is a civilian;
  - what if any steps need to be taken to protect any children

Taking Action:

## **Appropriate Responses to a Family Violence Incident** (cont'd)

### **Initial Response: Making a Factual Determination**

Based on the information presented by the investigating law enforcement agency, and in consultation with the SJA, the commander should make a factual determination as to whether the incident occurred.

- ▶ If the alleged abuser is an active duty service member, the factual determination should ascertain whether the service member allegedly committed an act punishable under the UCMJ.
- ▶ If the alleged abuser is a civilian, the factual determination may ascertain whether there is reason to refer the allegation to the civilian legal authorities.

Taking Action:

## **Appropriate Responses to a Family Violence Incident** (cont'd)

### **Initial Response: Making a Factual Determination** (cont'd)

In making the factual determination, the commander should ensure that the law enforcement investigator has properly differentiated between aggressive acts and acts of self-defense. In child abuse incidents, the investigation needs to consider whether the parent was attempting to discipline the child. Consultation with a forensically trained physician may be necessary to understand the nature of any medical evidence.

## Taking Action:

# The FAP Case Review Committee Clinical Substantiation



The Case Review Committee (CRC) is a multidisciplinary team of service providers and other professionals who are directly involved with individual cases of abuse and neglect.

As part of the CRC, the commander or a command representative should attend the CRC meeting to present information about the service member. This can be useful in determining whether:

- Family violence occurred, and
- The service member is a candidate for treatment.

Taking Action:

## **The FAP Case Review Committee Clinical Substantiation** (cont'd)

The discussion will also identify what support command may need to give for treatment to work effectively. The CRC is responsible for:

- ▶ Reviewing all medical, social assessment, and law enforcement information about all reported incidents,
- ▶ Determining incident clinical status for FAP purposes only, and
- ▶ Recommending a treatment plan of the case to the commander.



## Taking Action:

# The FAP Case Review Committee Clinical Substantiation (cont'd)

Clinical Status is the finding of the CRC at the time the case is assessed. Determinations can be:

- ▶ Substantiated — Preponderance of the information indicates that the act of maltreatment occurred.
- ▶ Suspected — There is a belief abuse/neglect might have occurred but sufficient information is not available at the time of the CRC meeting to substantiate.
- ▶ Unsubstantiated — There are two types:
  - The act did not occur. Preponderance of information indicates no abuse/neglect occurred.
  - Unable to resolve. After all information was made available, it remained unclear whether abuse occurred.

Taking Action:

## The FAP Case Review Committee Clinical Substantiation (cont'd)

### **SERVICE SPECIFIC:**

The Case Review Committee (CRC) may be referred to by another name in each of the Services.

- ▶ **Army** -FACMT- Family Advocacy Case Management Team
- ▶ **Air Force** -FMCMT- Family Maltreatment Case Management Team
- ▶ **Navy** - Case Review Committee
- ▶ **Marines** - Case Review Committee

Taking Action:

## The FAP Case Review Committee Clinical Substantiation (cont'd)

The CRC makes clinical recommendations for treatment, not recommendations for administrative or disciplinary action. The commander retains authority to take appropriate administrative or disciplinary action in addition to or in lieu of ordering the abuser to treatment.

Commanders should **NOT** order a service member who was the victim into FAP treatment.

Taking Action:

## **The FAP Case Review Committee Clinical Substantiation** (cont'd)

The CRC process is standardized to ensure consistent and thorough assessments pertaining to the report have been conducted, and that all relevant information is available that is necessary to make a solid clinical determination and, if the report is substantiated, to make recommendations for treatment.

Taking Action:

## Follow Up Response to Family Violence Committed by a Service Member



Before determining final action, commanders should consider referring accused service members to FAP for assessment and CRC recommendations regarding clinical intervention to stop the abusive behavior.

## Taking Action:

### **Follow Up Response to Family Violence Committed by a Service Member** (cont'd)

Commanders have complete discretion when determining the appropriate administrative or judicial action to take against active duty abusers. Because command actions are responses to specific acts and their impacts, they need to be differential in nature. Actions taken in response to a simple assault involving no weapon or discernable injury (such as slapping and pushing), in response to a brandished weapon – and thus the threat of serious injury, and in response to an assault with a weapon involving significant injuries, ought to be perceptibly different. Commanders should seek advice from their legal offices when determining the appropriate disciplinary response to an incident of domestic abuse or child abuse.

## Taking Action:

# Follow Up Response to Family Violence Committed by a Service Member (cont'd)

## Range of Potential Responses - Rule 306 of the United States Manual for Courts-Martial

Any disposition must be warranted by the facts, appropriate to the situation, and fair. Rule 306(b) of the Manual for Courts-Martial states that allegations of offenses should be dealt with quickly and “at the lowest appropriate level of disposition.” The discussion section under 306(b) acknowledges how difficult these decisions can be and provides a number of factors for commanders to consider when deciding how to dispose of an offense:

- ▶ The character and military service of the accused;
- ▶ The nature of and circumstances surrounding the offense and the extent of the harm caused by the offense, including the offense's effect on morale, health, safety, welfare, and discipline;

Taking Action:

## **Follow Up Response to Family Violence Committed by a Service Member** (cont'd)

### **Range of Potential Responses (cont'd)**

- ▶ Appropriateness of the authorized punishment to the particular accused or offense;
- ▶ Possible improper motives of the accuser;
- ▶ Reluctance of the victim or other's to testify;
- ▶ Cooperation of the accused in the apprehension or conviction of others;



Taking Action:

## **Follow Up Response to Family Violence Committed by a Service Member** (cont'd)

### **Range of Potential Responses (cont'd)**

- ▶ Availability and likelihood of prosecution of the same or similar and related charges against the accused by another jurisdiction;
- ▶ Availability and admissibility of evidence;
- ▶ Existence of jurisdiction over the accused and the offense; and
- ▶ Likely issues

## Taking Action:

# **Follow Up Response to Family Violence Committed by a Service Member** (cont'd)

Rule 306 (c) identifies the different disposition options available to commanders:

- ▶ No action – commanders may decide, after careful consideration of the factors noted above, to take no disciplinary action at all against an abuser.
- ▶ Administrative action – Commanders may choose to take some form of administrative action against an offender, in addition to, or instead of some other disposition action under Rule 306 (c). Administrative actions can include, but are not limited to, corrective measures such as counseling, admonition, reprimand, administrative withholding of privileges, or administrative separation.

## Taking Action:

# Follow Up Response to Family Violence Committed by a Service Member (cont'd)

## Rule 306 (c) disposition options (cont'd):

- ▶ Non-judicial punishment (NJP) – This refers to certain limited punishments which can be awarded for minor disciplinary offenses by a commanding officer or officer in charge to members of his/her command under Article 15 of the UCMJ. NJP options include, but are not limited to, admonition and reprimand (considered punitive when imposed as NJP as opposed to administrative action), restriction, arrest in quarters, correctional custody, reduction in grade or forfeiture of pay.
- ▶ Court-Martial – A court-martial is convened by a commander having the specific authority to do so on an as-needed basis. Therefore, a commander who believes that a court-martial is the appropriate disposition in a case, but who lacks the authority to convene one, must forward the matter to a superior officer.

## Taking Action:

# Clinical Intervention



Once the FAP assessment process is complete and when FAP regards the abusive service members as reasonable candidates for clinical counseling, commanders should choose to direct such service members to attend clinical counseling. They may do this as their sole action, or direct them to attend clinical counseling coupled with administrative or punitive actions, provided the service members are not being separated from the Service.

Taking Action:

## **Clinical Intervention** (cont'd)

Under appropriate circumstances, commanders may consider suspending all or part of a punishment conditioned on the successful completion of counseling. Commanders should consult with their legal office for guidance on suspensions of punishment.

## Taking Action:

# Clinical Intervention (cont'd)

## Treatment

The FAP provides an array of treatment approaches to address family violence, and coordinates options available from other installation agencies, public and private social service agencies in the community, civilian mental health providers, and domestic violence shelters.

- ▶ Individual, couples, and group counseling for parents who abused or neglected their child.
- ▶ Home visiting assistance for parents who abused or neglected their new baby.
- ▶ Parenting education programs.
- ▶ Individual treatment for victims of child abuse and neglect.
- ▶ Individual and group treatment for victims (child and adult) of child sexual abuse.

Taking Action:

## **Clinical Intervention** (cont'd)

### **Treatment (cont'd)**

- ▶ Individual and group counseling for abusers in domestic abuse reports.
- ▶ Individual and group treatment for victims of domestic abuse.
- ▶ Anger management programs.
- ▶ Stress management programs.
- ▶ Personal financial management counseling.

## Taking Action:

### Clinical Intervention (cont'd)

Couples counseling should not be used before the abuser has had individual and, when feasible, group treatment and the victim has been offered comprehensive support services. It should be entered into extremely cautiously. **No one should order or urge couples counseling upon the victim.** The decision to start couples counseling should be the victim's, made when the abuser is not present and after safety issues have been satisfactorily resolved.



Taking Action:

## **Clinical Intervention** (cont'd)

Some states require that abusers who were found by a court to have committed domestic violence complete the minimum period of treatment specified in state law. Since this affects the deployment or reassignment of a service member abuser, the installation Judge Advocate can interpret the requirement's applicability to service members, including those convicted by court martial.

Taking Action:

## **Clinical Intervention** (cont'd)

Orders for the service member could be deferred until treatment is completed or the case could be transferred to the FAP at the installation where the service member is being reassigned.

If your Service or state does not have this requirement, commanders should be aware of the options available in both military and civilian environments and how the offender may still undergo treatment during deployment.

## Taking Action:

### Monitoring Treatment



Commanders who direct service members to receive clinical counseling need to monitor service member participation in counseling closely. Before clinical counseling for abusers is successfully completed, the abusers should demonstrate behavioral change rather than mere attendance, and the commander, victim advocate, and FAP provider should have some objective means of ensuring ongoing victim safety (e.g., continued command monitoring, periodic victim feedback).

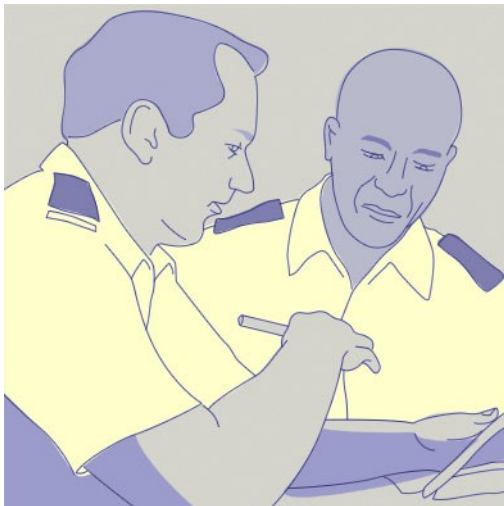
Taking Action:

## **Monitoring Treatment** (cont'd)

When a service member fails to achieve the desired behavioral change, is prematurely terminated from counseling, or re-offends, the commander should promptly consider whether, under the circumstances, the service member should be retained in military service.

## Taking Action:

### Personnel Assignment Issues



When a service member assigned OCONUS is involved in a family violence incident, the commander should, in consultation with FAP, law enforcement, medical professionals, and, in the case of domestic abuse, the victim, assess the severity of the incident and the availability of appropriate treatment services for the offender at the OCONUS installation or in the nearby civilian community. If such services are unavailable, the commander should work with personnel officials to have the service member reassigned to a CONUS installation where those services are available.

## Taking Action:

### **Personnel Assignment Issues** (cont'd)

A significant period of time may elapse from the initial incident to the completion of clinical treatment for the offender or the resolution of criminal or civil legal proceedings against the offender. Since these may conflict with normal personnel assignments, commanders need to take special actions.

- ▶ If a service member has an open FAP case and is scheduled for a transfer or reassignment, either TDY or PCS, commanders should delay the move pending completion of law enforcement or child protection investigations, the FAP assessment, a determination of appropriate action by the commanding officer, and the adjudication of any civil or criminal court appearances for family violence related incidents.

## Taking Action:

### **Personnel Assignment Issues** (cont'd)

Commanders need to take special actions (cont'd).

- ▶ If these procedures have been completed, the commander should notify the gaining installation of the pending transfer. The commanders, in consultation with FAP staff, should determine whether the gaining installation or the civilian community surrounding it will be able to provide the necessary services and treatment (either court-ordered or recommended by FAP) for the offender and his or her family. If such services are not available, commanders should take necessary steps in consultation with personnel officials to stop the transfer or reassignment from occurring until the offender has completed all FAP recommended and/or court ordered treatment.

## Taking Action:

# Follow Up Response to Family Violence Committed by a Civilian



Commanders have no jurisdiction over civilians employed by or accompanying members of the military who violate the law within the U.S. If a civilian commits family violence, the commander should consider barring the civilian from the installation and ensuring that the appropriate local, state, or federal, authorities are notified.



Taking Action:

## **Follow Up Response to Family Violence Committed by a Civilian** (cont'd)

Civilians employed by or accompanying members of the military who violate laws outside of the U.S. may be prosecuted by the host nation. If the host nation is unable or unwilling to prosecute these civilians, they may be subject to prosecution under the Military Extraterritorial Jurisdiction Act.<sup>7</sup> This Act authorizes the U.S. to maintain criminal jurisdiction over U.S. citizens employed by or accompanying a member of the military while overseas. Commanders should consult with the legal office in such cases.

<sup>7</sup> Military Extraterritorial Jurisdiction Act of 2000, 18 U.S.C. Sections 3261-3267 (2000)

Taking Action:

## Recording Command Action

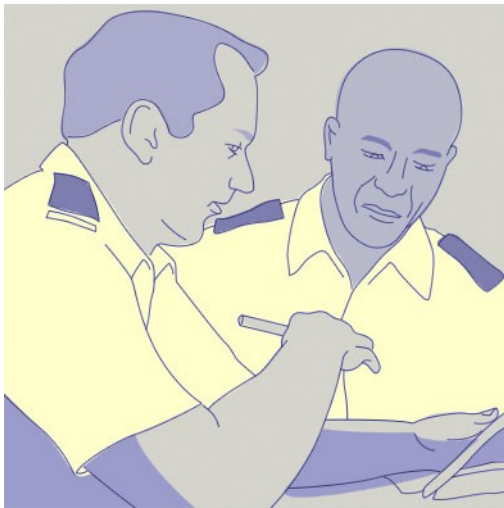


Whether or not disciplinary action is taken, **every domestic violence and child abuse incident** reported to a commander, law enforcement, or FAP **must** be reported to the Defense Incident Based Reporting System (DIBRS).

**DIBRS Regulation - DoDD 7730.47** (See [http://www.dtic.mil/whs/directives/corresp/pdf/d773047\\_101596/d773047p.pdf](http://www.dtic.mil/whs/directives/corresp/pdf/d773047_101596/d773047p.pdf))

Taking Action:

## A Coordinated Community Response



Family violence requires a coordinated community response (CCR) from agencies in both the military and civilian communities, working as a multidisciplinary team to implement a consistent effective response. Participating members support common goals, messages, and a common understanding of family violence.

Taking Action:

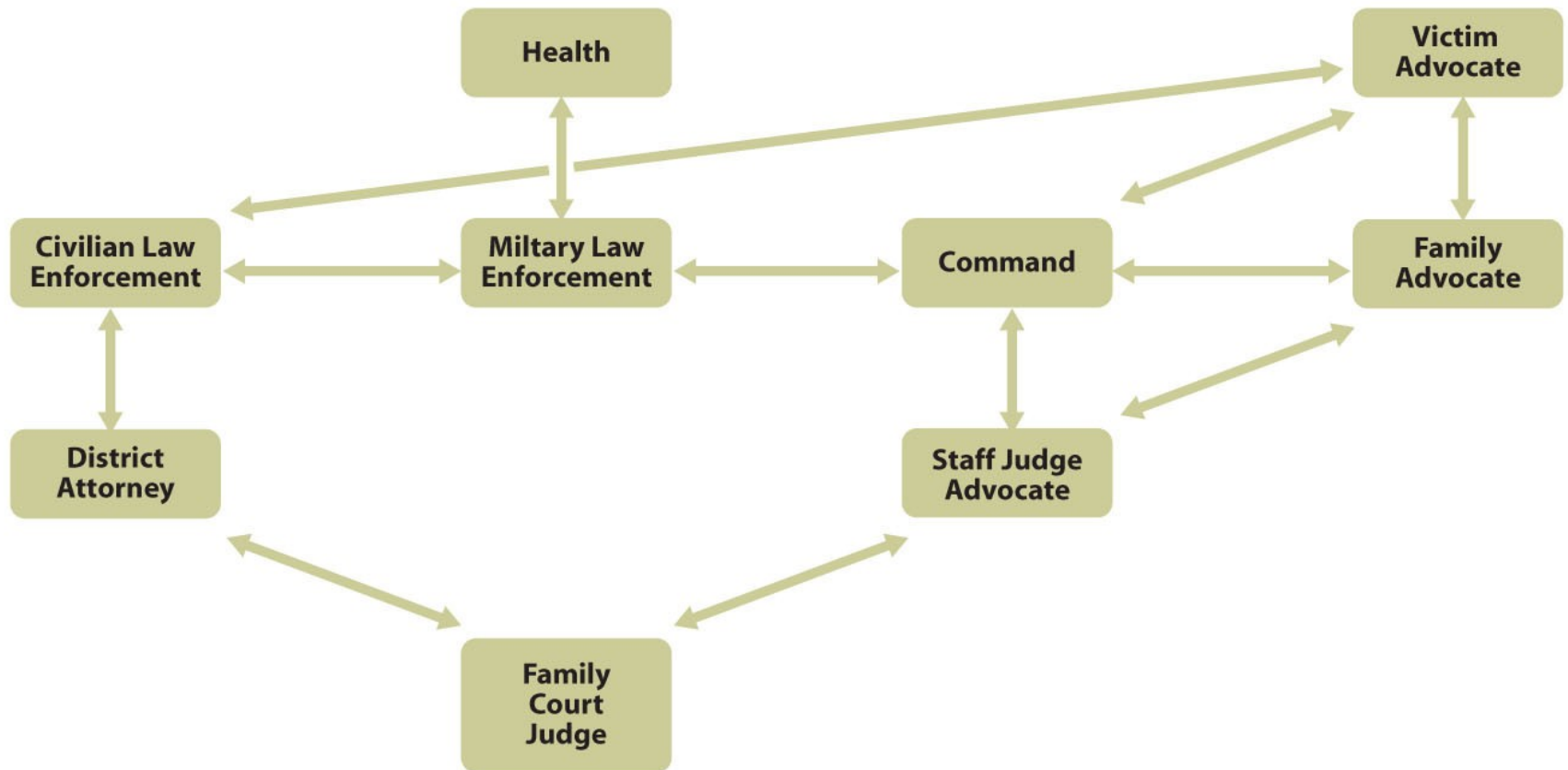
## **A Coordinated Community Response**

(cont'd)

A coordinated community response also requires a consistent and immediate response from individual community members such as other family members, neighbors, teachers, military and civilian health care professionals, child care providers and others to report abuse. All members of the community should treat family violence as unacceptable behavior. (See graphic on next slide)

Taking Action:

## A Coordinated Community Response



## Taking Action:

### A Coordinated Community Response

(cont'd)

Entering into Memoranda of Understanding (MOUs) with different agencies or organizations in the civilian community can help to clarify roles and responsibilities in responding to incidents of family violence. Below are some sample MOUs that can be downloaded from the **Tools** section of the Web site and modified to meet specific needs or address specific concerns:

- ▶ **Shelter MOU**  
(See **Tools** Section of the Web site)
- ▶ **Law Enforcement MOU**  
(See **Tools** Section of the Web site)
- ▶ **Legal MOU**  
(See **Tools** Section of the Web site)

## Taking Action:

# **A Coordinated Community Response**

(cont'd)



Memoranda of Agreement (MOA) between the military installation and the civilian agencies should include Standard Operating Procedures (SOPs) for responding to family violence. The topics should include:

- ▶ Reporting of suspected abuse and neglect of a child who is a family member of an active duty service member to appropriate military and civilian authorities:
  - when the incident occurred on the installation or the child resides on the installation, and
  - when the incident occurred off the installation or the child resides off the installation.

Taking Action:

## A Coordinated Community Response

(cont'd)

MOA (cont'd):

- ▶ Reporting of suspected domestic abuse involving an active duty service member, or involving a family member of an active duty service member, to appropriate military and civilian authorities:
  - when the incident occurred on the installation or the service member resides on the installation, and
  - when the incident occurred off the installation or the service member resides off the installation.



Taking Action:

## A Coordinated Community Response

(cont'd)

MOA (cont'd):

- ▶ Investigation of the incident, including:
  - The military and civilian authorities who will conduct which aspects of the investigation,
  - Entry of civilian authorities onto the military installation for purposes of investigation or case management,
  - Whether interviews of a child will be conducted jointly (including whether Child Protective Services (CPS) and/or FAP personnel will be present in the interview room), and
  - Procedures for requesting consultation and assistance.
- ▶ Intake by FAP, and by CPS in child abuse cases.

Taking Action:

## A Coordinated Community Response

(cont'd)



MOA (cont'd):

- ▶ Medical and social assessments of the victim and other family members, including those setting forth the military and civilian authorities who will conduct which aspects of the assessments.
- ▶ Linking command and civilian court orders to protect victims of family violence by:
  - Military child removal orders and temporary protective custody,
  - Military protective orders, and
  - Civilian court orders and temporary restraining orders, civil protection orders.

## Taking Action:

# A Coordinated Community Response

(cont'd)

MOA (cont'd):

- ▶ Case management by military and civilian social service agencies, including procedures to provide shelter, treatment and support services to the victim and other family members.
- ▶ Sharing information between military and civilian authorities, access to records and transfer of records.
- ▶ Continuing jurisdiction by civilian courts.

As part of the coordinated community response, it is imperative for commanders to monitor how well civilian law enforcement, child protective services agencies, domestic violence shelters/services, and other agencies notify and coordinate with the military.

Taking Action:

## **A Coordinated Community Response**

(cont'd)

MOA (cont'd):

This also includes notification and coordination between Services when personnel of different Services are co-located on the installation and when installations of different Services are located in proximity.

The lines of communication between the Services must remain open to generate inter-Service coordination.

## Taking Action:

## Related Resources



### Legal Assistance Program

Service members and family members needing advice on personal legal problems should be referred to the legal assistance branch of the legal office. There, they may obtain free legal advice and assistance on such legal matters as wills, powers of attorney, divorce and legal separation, consumer law, and other legal problems. Communications with a legal assistance attorney are privileged and not subject to disclosure. The type and extent of services varies by installation, but in-court representation is typically not provided.

Taking Action:

## **Related Resources** (cont'd)

Domestic abuse victims and witnesses may obtain information about available benefits and services by contacting the legal office's Victim/Witness Coordinator (also referred to as the Victim/Witness Liaison).

Service members who commit domestic abuse should be informed that they should seek the advice of a defense attorney concerning matters involving potential or actual criminal charges.

Taking Action:

## **Related Resources** (cont'd)

### **Transitional Compensation Program<sup>8</sup>**

This provides financial, medical and dental, and commissary and exchange benefits to family members who are victims of abuse by their service member sponsor if the service member was separated from the Service due to the abuse by a court-martial or administratively. The goal of transitional compensation is to encourage spouses to report family violence by overcoming their need for financial support if the service member is forced to leave the military.

<sup>8</sup> Title 10, U.S.C., section 1058, DoD Instruction 1342.24, Transitional Compensation for Abused Dependents (See [http://www.dtic.mil/whs/directives/corres/pdf/i134224wch1\\_052395/i134224p.pdf](http://www.dtic.mil/whs/directives/corres/pdf/i134224wch1_052395/i134224p.pdf))

Taking Action:

## **Related Resources** (cont'd)

A commander who is considering whether to separate the service member from the Service due to the abuse should consult with the SJA to ensure that the appropriate documentation is prepared. Improper documentation will prevent the abused family members from being eligible for transitional compensation.

DoD policy sets the monthly payments of transitional compensation at the dependency indemnity compensation rate. Additional benefits include commissary and exchange privileges and medical and dental services through TRICARE for a limited period of time.

The FAP and SJA have the primary responsibility of notifying abused family members of their potential eligibility for these benefits.



Taking Action:

## **Related Resources** (cont'd)

### **Joint Federal Travel Regulations**

The Joint Federal Travel Regulations were recently amended to provide another option for victims seeking safety and economic security when leaving an abusive relationship. Under those amendments, the abused spouse or parent of an abused child wishing to relocate for personal safety reasons may request shipment of household goods and a personal auto if he or she wants to leave the abusive parent or spouse. To qualify, the active duty member must have committed a dependent-abuse offense against the dependant; a safety plan and counseling must have been provided to the dependant; a determination must have been made that the dependant's safety is at risk; and a determination must have been made that relocation of the dependant is advisable. For more information, please speak with your legal officer.

Taking Action:

## Related Resources (cont'd)



### **Victim Witness Assistance Program (VWAP)**

#### **DoD instruction 1030.2, Victim and Witness Assistance Procedures** (*see*

[http://www.dtic.mil/whs/directives/corres/pdf/i10302\\_122394/i10302p.pdf](http://www.dtic.mil/whs/directives/corres/pdf/i10302_122394/i10302p.pdf)) specifies

responsibilities for assisting victims of crime and witnesses from initial contact through investigation, prosecution, and confinement. These policies ensure that victims of crimes receive fair and respectful treatment, reasonable protection from the offender, notification of and presence at court-martial proceedings, an opportunity to confer with the government attorney, available restitution, and notification of trial outcome and release of the offender from confinement.

Taking Action:

## **Related Resources** (cont'd)

### **Victim Witness Assistance Program (VWAP) (cont'd)**

The DoD procedures emphasize an interdisciplinary approach involving law enforcement personnel, criminal investigators, chaplains, family advocacy personnel, emergency room personnel, family service personnel, equal opportunity personnel, judge advocates, unit commanding officers and corrections personnel. For more information, visit the **DoD Victim and Witness Assistance Council**. (See <http://www.dod.mil/vwac/>)

Taking Action:

## **Related Resources** (cont'd)

### **Resources In the Local Community**

Every county or city in the U.S. has a child protective services agency to respond to incidents of child abuse. An increasing number of countries have similar agencies. These agencies provide temporary or long term foster care for abused children and provide treatment and supportive services for the child and family.

Most communities in urban and rural areas have programs to address domestic abuse, but they vary in size and services provided. Some are attached to the local court, county police department, local district attorney's office or women's shelter. Every state has a domestic violence coalition that is familiar with resources throughout the state.

Taking Action:

## **Related Resources** (cont'd)

The National Domestic Violence Hotline, 1-800-799-SAFE (7233) is available 24 hours per day. It provides confidential information about domestic violence services available throughout the nation.

Victims who prefer not to use the installation legal assistance office may also find legal consultation in the civilian community.

## Case Study:

## Sgt. Bill Weimer and Sgt. Susan Holland



Based on the information provided and your existing knowledge of the Family Advocacy Program and its process, let's work through a case study.

## Case Study:

### **Sgt. Bill Weimer and Sgt. Susan Holland**

(cont'd)

Sgt Bill Weimer and Sgt Susan Holland are married and live off base in a local civilian apartment complex. Still newlyweds, they spend most of their time when not working with friends and decorating their apartment. After six months of marriage, it seemed like the honeymoon was over and several things have happened:

- ▶ Bill and Susan opened a joint bank account.
- ▶ Bill has been working longer hours, and is viewed as a high performing service member, with potential to be a senior NCO. He has never had any disciplinary problems.
- ▶ Bill started complaining to Susan about the way she maintained the apartment.

## Case Study:

## **Sgt. Bill Weimer and Sgt. Susan Holland**

(cont'd)

- ▶ Susan was frustrated because Bill didn't help with the housework but expected a clean apartment and dinner when he got home from work.
- ▶ Susan's increased responsibilities at work have been leaving her with migraine headaches and feeling fatigued.
- ▶ Susan wants to be a stay at home mom once they have children, but Bill says that they can't afford not to have two incomes.



## Case Study:

### **Sgt. Bill Weimer and Sgt. Susan Holland**

(cont'd)

At a party, friends noticed that they didn't seem like the happy couple they had been just a few months ago. Susan went shopping the following week and, feeling a little down, decided to treat herself to a gift. When she arrived home, Bill was waiting for her and became upset when he saw the packages in her car.

Bill became irate and began to yell. He said that Susan had better stop spending money every time she is depressed. Bill said that Susan was neglecting her duties at home and that if she wants something from the store that she will have to ask first. Bill grabbed Susan's purse and ripped the checkbook and credit cards from her wallet. As Susan began to struggle, Bill's anger continued to rise.

## Case Study:

### **Sgt. Bill Weimer and Sgt. Susan Holland**

(cont'd)

He told her to take everything back to the store. She said that she wouldn't. Susan screamed that the money in the account was hers, too, and that if she wanted to buy something she would. Bill had had it at this point. Bill screamed an obscenity at her. Susan slapped Bill across the face. Bill responded by punching Susan in the face with a closed fist.

Local law enforcement conducted the investigation. The commander was made aware of the situation by the First Sergeant, as Bill was released to the First Sergeant on the night of the incident and told to spend the night in the dorm. The commander will need to consult with the SJA, review the local police report and decide what action to take in this case.

## Case Study:

## Sgt. Bill Weimer and Sgt. Susan Holland: Question 1

Which approach will **NOT** help protect Sgt Holland from her husband?

- A.** Having the couple report to the commander to discuss jointly what happened.
- B.** Issuing a military protection order that requires Sgt Weimer to move into the barracks until the report is investigated.
- C.** Ensuring Sgt Holland talks to a victim advocate.
- D.** Having the FAP conduct a safety assessment of Sgt Holland.

Case Study:

## **Sgt. Bill Weimer and Sgt. Susan Holland:** Question 2

Sgt Weimer wants to start couples counseling right away. Should the commander order this?

**A.** Yes.

**B.** No.

## Case Study:

### **Sgt. Bill Weimer and Sgt. Susan Holland:** Question 3

Which factor should **NOT** be included in a military protective order for Sgt Weimer?

- A.** Reside in the barracks until the Case Review Committee clinical determination.
- B.** Temporarily turn in his private gun collection to the base armory.
- C.** Extra duty on weekends.
- D.** No face to face, letter, e-mail, or telephone contact directly or through third parties with Sgt Holland without command approval.

Case Study:

## **Sgt. Bill Weimer and Sgt. Susan Holland:** Question 4

Should Sgt Weimer turn over all assets to Sgt Holland?

**A.** Yes.

**B.** No.

## Case Study:

### **Sgt. Bill Weimer and Sgt. Susan Holland:** Question 5

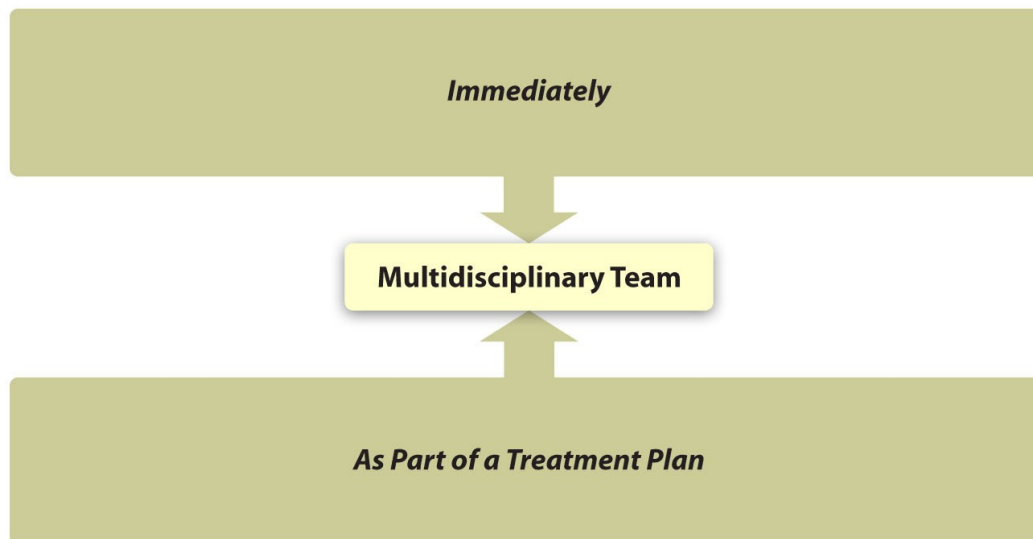
What factor may be irrelevant to the disposition of this incident?

- A.** Sgt. Weimer has never had previous discipline problems.
- B.** The Personal Financial Management Program has received an award for reducing the number of letters of indebtedness and bankruptcies involving service members.
- C.** Sgt. Holland is a chronic complainer in her unit.
- D.** There is no full-time victim advocate on the base.
- E.** Sgt. Weimer has been remorseful over the incident since the beginning.
- F.** Both Sgt. Weimer and Sgt. Holland want to keep the marriage together.
- G.** Sgt. Weimer has been an excellent performer.

## Case Study:

## Sgt. Bill Weimer and Sgt. Susan Holland: Question 6

What services both on-base and off can you recommend to Sgt Weimer and Sgt Holland to assist in stopping the violence before it goes any further?





**Family Advocacy Program Commander's Guide**

**Congratulations!**  
**You have completed Module 3**

**Begin Module 4**